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April 3, 1996

Mr. William F. Caton
The Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Dear Mr. Caton:

Frances Schrotter, Jane Schweiker and I from ANSI met with Sheldon Guttman, Associate General Counsel, Susan Steiman, Deputy Associate General Counsel, and Sharon Kelley, Attorney, of the FCC Office of General Counsel this morning for approximately one hour. Also present were Dan Bart from TIA and Susan Miller from ATIS.

The attendees discussed the Notice of Proposed Rulemaking (GC Docket 96-42), including the position papers previously filed by Bellcore, Corning and TIA, and some of the proposed default dispute resolution mechanisms. Issues such as when the default mechanism would be triggered and the definition of a "funding party" also were discussed. The ANSI representatives described ANSI and some of its procedural requirements in connection with the standards developers accreditation and standards approval processes, but expressly did not comment or take a position on any of the proposals set forth in the aforementioned position papers.

Annexed hereto are copies of (1) a memorandum entitled "ANSI and Its Role in the Voluntary Consensus Standards System" (and an attachment) and (2) the ANSI Procedures for the Development and Coordination of American National Standards, which ANSI distributed at the meeting. Mr. Bart and Ms. Miller also distributed publicly-available literature regarding their organizations, such as an annual report.

If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

Amy A. Marasco
Vice President and General Counsel

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THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI) AND ITS ROLE IN THE VOLUNTARY CONSENSUS STANDARDS SYSTEM

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This document contains the following sections:

For further information, please contact:

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Frances Schrotter, Vice President, Standards Facilitation (212-642-4934)

Overview of ANSI

ANSI is a not-for-profit, privately funded membership organization that administers and coordinates the voluntary standardization system in the United States with the cooperation of federal, state and local governments. ANSI does not write standards; it serves as a catalyst for standards development by its diverse membership. This membership consists of approximately 1,300 companies (accounting for sales of approximately $1.2 trillion), 250 professional, technical, trade, labor, academic and consumer organizations, and some 30 government agencies.

Among other things, ANSI accredits standards developers and approves standards as American National Standards. ANSI also is the United States representative to the two major, non-treaty international standards organizations: The International Organization for Standardization (ISO) and, through the United States National Committee, the

International Electrotechnical Commission (IEC). In this role, ANSI is responsible for representing U.S. interests at the policy level of both organizations as well as for facilitating U.S. participation in the various technical committees which develop international standards. To do the latter, ANSI accredits U.S. Technical Advisory Groups to ISO technical committees and appoints the U.S. Technical Advisors to the IEC Technical Committees.

The Standards Setting Process

The voluntary standards development process has proven its effectiveness across a diverse set of industries and in federal, state and local government processes. These industries include telecommunications, safety and health, information technology, petroleum, banking and household appliances. There are now approximately 12,500 ANSI-approved American National Standards that provide dimensions, ratings, terminology and symbols, test methods, and performance and safety requirements. These efforts continue today and are being applied to new critical areas such as the environment and healthcare.

How standards are developed and established is a more important question than which standards may result. The process for developing standards must be in harmony with the needs of consumers, manufacturers and regulators alike for the outcome to be optimal and meet the needs of society as a whole.

Accrediting Standards Developers

ANSI accredits various organizations to develop American National Standards. These Accredited Standards Developers (ASDs) are primarily national trade, technical, professional, consumer, labor and certification organizations. Thousands of individuals from companies, organizations (such as labor, consumer and industrial groups), academia and government agencies voluntarily participate and contribute their knowledge, talent and efforts to the standards development process.

ASDs typically provide administrative, and in some instances technical, support in the development of industry-related standards. The standards developed by a particular ASD represent the area(s) in which its members or participants have both an interest and technical expertise. All aspects of the development process, including authorizing new work, administering the development process and consensus ballot, and final publication are under the purview of the ASD.

In order to serve as an ASD, an organization must first become accredited. The accreditation process assures the Institute and its constituency that the standards development procedures followed by the prospective ASD are in conformance with ANSI's due process and consensus requirements. Among other things, the prospective ASD's procedures must provide for the following:

- Openness: Any materially affected and interested party must have the ability to participate. This participation may include voting or observer membership on the consensus body or participation in the public review period.
- Lack of Dominance: The consensus body must not be dominated by any single interest category. Interest categories include: Producer, User, and General Interest. More specific divisions are permitted and include: Regulatory Body, Consumer, Labor, Insurance, Distributor and Retailer, Professional Society, Testing Laboratory, etc.
- Consideration of Views and Objections: During the process of obtaining consensus on a draft standard, ASDs are required to seriously review comments and objections. An attempt must be made to resolve any objections received.
- Appeals Mechanism: All ASDs must have an appeals process by which affected interests who believe they have not been treated in accordance with established procedures can have the matter reviewed by an impartial body.

Approving American National Standards

ANSI determines whether standards submitted to it by the ASDs meet the necessary criteria to be approved as American National Standards. ANSI's approval of these standards is intended to verify that the principles of openness and due process have been followed and that a consensus of all interested parties has been reached. In addition, ANSI considers any evidence that the proposed American National Standard is contrary to the public interest, contains unfair provisions or is unsuitable for national use. ANSI coordination is intended to assist the voluntary system in ensuring that national standards needs are identified and met with a set of standards that are without conflict or unnecessary duplication in their requirements.

The process by which consensus is achieved varies depending on the individual ASD's specific procedures, the industry involved and any controversy surrounding the subject matter. Typically the ASD demonstrates that consensus has been achieved through the completion of two primary actions. The first action is a formal vote taken of a group that is representative of all affected interests and is not dominated by any one interest (the consensus body). The second is submittal of the draft standard to a public review period. This allows any materially and directly affected interest the opportunity to review the draft and make comments. This public review period consists, at a minimum, of a 60-day announcement in ANSI's *Standards Action* publication. The ASD must respond to any comments or objections it receives as a result of the formal letter ballot or the public review period and it must make an effort to resolve all objections.

When the process has been completed, the ASD provides a formal submittal to ANSI for final approval as an American National Standard. The formal submittal includes a record of the formal consensus vote, all comments received and how the comments were resolved (or what attempts were made to resolve them if they are outstanding). Upon receipt of the formal submittal, a letter ballot is sent to the Board of Standards Review (BSR). Based on the documentation submitted, the BSR is charged with the responsibility of determining whether the standard submitted meets the requirements of the Institute.

While supported by ANSI staff, it is the BSR and not staff who decides whether to give final approval of proposed American National Standards.

American National Standards are kept current and relevant because, under ANSI's *Procedures for the Development and Coordination of American National Standards,* all such standards must be revised, reaffirmed or withdrawn at a minimum of every five years.

The Standards Developer Audit Program

In March of 1995. the ANSI Board of Directors approved a set of audit procedures pursuant to which ANSI will audit each ASD every five years. The purpose of these audits is twofold:

- It is an opportunity for ANSI to review the ASD's standards development process in detail and confirm that the ASD is operating in conformance with its approved procedures and current ANSI requirements.
- It provides a service to the ASD in that the auditors will recommend improvements (1) so that the ASD will be in conformity with current ANSI requirements. (2) to pertinent aspects of the ASD's infrastructure such as its record-keeping process or (3) to otherwise increase the efficiency of the ASD's process.

The audit program will be fully implemented beginning in April of 1996.

The Appeals Process

If there is an objection to an action taken by the ExSC (such as accrediting or not accrediting an ASD) or the BSR (such as approving or rejecting a standard as an American National Standard, the objector may appeal that action. Typically the appeal is first heard by the responsible body (the ExSC or the BSR). The decision in that appeal may be appealed to the ANSI Appeals Board.

ANSI will not normally hear an appeal of an action or inaction by an ASD until the appeals process provided by the ASD has been completed. In order to be accredited, an ASD must have an appeals process that is accessible to directly and materially affected interests, and incorporates the following due process requirements:

1. appeals must be addressed promptly and a decision made expeditiously,

2. the right of the involved parties to present their cases shall not be denied,

3. appeals procedures shall provide for participation by all parties concerned without imposing an undue burden on them,

4. consideration of appeals shall be fair and unbiased and shall fully address the concerns expressed, and

5. records of appeals shall be kept and made available to the involved parties.

Basic ANSI Structure

As described above, the ExSC, the BSR and the Appeals Board (as well as many of ANSI's other governance committees) are made up of persons from various ANSI membership groups. Typically they are populated with representatives from ANSI's Company Member Council, Government Member Council, Organizational Member Council (to which virtually all of the ASDs belong) and the Consumer Interest Council. Any new procedures or significant policies devised by the ExSC require approval by ANSI's Board of Directors. The ANSI Board consists of approximately 57 members, who either represent a membership council or who are the Chairman of a governance committee (such as the ExSC, BSR and Appeals Board). ANSI staff provides administrative support and advice to the governance groups.

Government Agency Participation In The Voluntary Standardization Process

Without question, the active participation and support of government has been a major contributing factor to the success of the voluntary consensus standards process. We believe that it is significant that Defense Secretary William J. Perry recently announced that the Department of Defense will use private sector standards in lieu of military specifications unless no practical alternative exists to meet the user's needs. Secretary Perry has stated that "this is one of the most important actions the Defense Department can take to meet the nation's military, economic, and policy objectives." By increasing its participation in and reliance on the voluntary standards community, government can reduce both the need for federal regulation and its related costs.

A new law and existing government policies encourage government reliance on the private sector voluntary standards system. In February of 1996, Congress enacted PL 104-113 which supports governmental utilization of the voluntary standards system and related conformity assessment processes. A copy of this Act is annexed hereto.

This Act codifies many of the principles set forth in two policy documents. The first is OMB Circular A-119 (58 *Federal Register* 57643, October 26, 1993). which states that federal agencies should use voluntary standards to meet their needs whenever possible and practicable. Agency heads concerned with standards are directed to review their existing standards at least once every five years and "replace those for which an adequate and appropriate voluntary standard can be substituted." (OMB Circular A119 at section 8(b)(3)). The second policy document is Administrative Conference Recommendation 94-1, which encourages use of private sector conformity assessment processes to meet regulatory needs.

Many regulatory agencies participate in the private-sector standards development process and subsequently adopt the resulting standards into regulations or make reference to them. For example, the Department of Housing and Urban Development incorporates by reference several model codes and standards into its regulations. The Department of Transportation's regulations applicable to the U.S. Coast Guard adopt standards developed by the National Fire Protection Association (NFPA), and the U.S. Coast Guard

chairs a new NFPA committee developing a fire protection standard for merchant vessels. Indeed, there are over 200 references to NFPA codes and standards in the Code of Federal Regulations. In addition, two agencies -- NIST and the Department of Transportation's Federal Highway Administration -- are themselves ANSI-accredited standards developers.

Similarly, OSHA widely adopts privately developed standards, and actively participates in the standards development process. On May 21, 1991 ANSI and OSHA revised their long standing Memorandum of Understanding to facilitate cooperation between the two organizations. The MoU details the manner in which technical resources and support from the ANSI federation are brought together for the purpose of assisting OSHA in carrying out its responsibilities. Also, to the extent consistent with its obligations under the Occupational Safety and Health Act of 1970, and other laws, OSHA makes its technical resources available to ANSI to assist it in meeting its mission. ANSI and OSHA maintain their close cooperation through active participation in activities of mutual concern. Cooperation and mutual exchange of information is accomplished via an ANSI/OSHA Coordinating Committee.

The Food and Drug Administration works closely with several private sector organizations to develop needed standards for medical devices and instrumentation. In addition, the FDA works very effectively with ANSI and with other federal agencies as an advocate for U.S. interests in international standards arenas.

In 1981, Congress instructed the Consumer Product Safety Commission to use voluntary standards instead of developing its own rules whenever feasible. Since then, the CPSC has relied heavily on the private sector process as a very effective approach to fulfilling their regulatory responsibilities in connection with consumer product safety.

These are just a few of many examples of government regulatory agencies' use of voluntary consensus standards and their participation in the process. We believe the decisions of these and other federal regulatory agencies reinforce the concept of a voluntary standards process which protects health and safety, promotes economic growth and strengthens the United States' position in global markets.

Protection of the environmental and natural resources is another significant subject that currently is being addressed through voluntary standardization efforts. The ANSI federation has been working for almost two years with strong cooperation and active participation from the Environmental Protection Agency, the Department of Energy and NIST to ensure that the United States provides leadership direction in the International Organization for Standardization's international effort to develop a useful body of environmental management standards. The intent of the International Organization for Standardization's (ISO's) Technical Committee 207 is to create basic, uniform standards that can assist companies and organizations in effectively and efficiently achieving their environmental objectives and obligations. In designing these environmental management tools and systems, the Technical Committee intends to focus on and safeguard against potential negative impacts on trade and commerce. To date, the United States, through the ANSI federation, has successfully promoted U.S. interests in this activity. It is our intent to continue this positive momentum through proactive organization and cooperation between the private and public sectors in the United States.

Page 13, strike out lines 10 through 17 and insert:

"Section 11(i) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710(i)) is amended by inserting 'loan, lease, or' before 'give'.".

Page 21, strike out all after line 22 over to and including line 3 on page 22 and insert:

"(13) to coordinate Federal, State, and local technical standards activities and conformity assessment activities, with private sector technical standards activities and conformity assessment activities, with the goal of eliminating unnecessary duplication and complexity in the development and promulgation of conformity assessment requirements and measures.".

Page 22, lines 5 and 6, strike out "by January 1, 1996," and insert "within 90 days after the date of enactment of this Act,".

Page 22, strike out all after line 7, over to and including line 5 on page 23 and insert:

"(d) UTILIZATION OF CONSENSUS TECHNICAL STANDARDS BY FEDERAL AGENCIES; REPORTS.—

"(1) IN GENERAL.—Except as provided in paragraph (3) of this subsection, all Federal agencies and departments shall use technical standards that are developed or adopted by voluntary consensus standards bodies, using such technical standards as a means to carry out policy objectives or activities determined by the agencies and departments.

"(2) CONSULTATION; PARTICIPATION.—In carrying out paragraph (1) of this subsection, Federal agencies and departments shall consult with voluntary, private sector, consensus standards bodies and shall, when such participation is in the public interest and is compatible with agency and departmental missions, authorities, priorities, and budget resources, participate with such bodies in the development of technical standards.

"(3) EXCEPTION.—If compliance with paragraph (1) of this subsection is inconsistent with applicable law or otherwise impractical, a Federal agency or department may elect to use technical standards that are not developed or adopted by voluntary consensus standards bodies if the head of each such agency or department transmits to the Office of Management and Budget an explanation of the reasons for using such standards. Each year, beginning with fiscal year 1997, the Office of Management and Budget shall transmit to Congress and its committees a report summarizing all explanations received in the preceding year under this paragraph.

"(4) DEFINITION OF TECHNICAL STANDARDS.—As used in this subsection, the term 'technical standards' means performance-based or design-specific technical specifications and related management systems practices.".

NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

Mrs. MORELLA. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2196) to amend the Stevenson-Wydler Technology Innovation Act of 1980 with respect to inventions made under cooperative research and development agreements, and for other purposes.

The Clerk read as follows:

Senate amendments:

Page 3, line 24, before "field" insert "prenegotiated".

Page 5, line 4, strike out all after "only" down to and including "finds" in line 5 and insert "in exceptional circumstances and only if the Government determines".

Page 5, after line 15 insert: "This determination is subject to administrative appeal and judicial review under section 203(2) of title 35, United States Code.".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Maryland [Mrs. MORELLA] and the gentleman from Tennessee [Mr. TANNER] will each be recognized for 20 minutes.

The Chair recognizes the gentlewoman from Maryland [Mrs. MORELLA].

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the House passed H.R. 2196 on December 12, 1995, by voice vote. Subsequently, on February 7, 1996, the Senate passed H.R. 2196 with an amendment. Today, we are prepared to enact H.R. 2196, as amended, into law.

The Senate-passed amendment was negotiated in conjunction with this body and has the support of the sponsors of the bill. The Senate amendment is technical in nature, serves to clarify

the existing bill language, and meets with the original intent of H.R. 2196, as originally passed by the House.

Mr. Speaker, H.R. 2196 will implement long-needed improvements to the body of laws which encourage and stimulate the transfer of technology developed, with Federal research and development dollars, to the private sector. It does this in three principal ways:

First, by providing necessary guidance in defining the intellectual property rights of private sector Cooperative Research and Development Agreement [CRADA] partners for technologies created from joint research and development activities conducted in partnership with Federal laboratories. Industry partners will be assured of having, at minimum, an exclusive license in a prenegotiated field of use for the new technology. This should promote prompt commercialization of these discoveries, as well as make a CRADA more attractive at a time when both Federal laboratories and industry need to work closer together for their mutual benefit and our national competitiveness;

Second, by enhancing incentives for Federal inventors to develop new inventions in their fields of research; and

Third, by allowing Federal labs greater flexibility to use the royalty stream resulting from the commercialization of Federal inventions to develop new inventions in their fields of research; and

Third, by allowing Federal labs greater flexibility to use the royalty stream resulting from the commercialization of Federal inventions to support the work of their laboratories, and reward participants in CRADA activities for their work on successful projects.

At this time, I will not detail at length, the many specific ways in which H.R. 2196 accomplishes these goals, and would refer my colleagues to my December 12, 1995, statement in the RECORD, for more specific information in that regard.

I would note, however, that equally notable to the significant technology transfer provisions contained in H.R. 2196, is language in section 12 that will improve the climate for the Government adoption of private sector-developed, voluntary consensus standards, by directing Federal agencies to focus upon increasing their use of such standards wherever possible.

The effect of this section 12 provision would be a reduction in Federal procurement and operating costs. For example, instead of mandating products built only to special Government-created standards, the Federal Government can cut costs by purchasing off-the-shelf products meeting a voluntary consensus standard that, in the judgment of an agency, meet its procurement requirements. Commercial industry also would benefit from such action through greater opportunities for competitive Government bidding and increased sales to the Government.

Additionally, section 12 gives the National Institute of Standards and Technology important new authority in its organic statute to act as the Federal coordinator for Government entities responsible for the development of technical standards and conformity assessment activities. As a result, the Federal Government can move with greater speed to implement the routine use of voluntary consensus standards and eliminate unnecessary duplication of conformity assessment activities.

Section 12, as amended, has been endorsed by our Nation's businesses, as well as the standards community, and has been approved by the administration. They are anxious to implement the much-needed clarifications and new Government responsibilities defined in the bill to streamline and improve our Federal standards responsibilities.

Mr. Speaker, I urge support for the amendment, approved by the other body, to H.R. 2196. Since my distinguished colleagues will be discussing the amendment in greater detail, I will only provide a summary at this time. The Senate amended H.R. 2196 in the following manner:

Made clear that exclusive field-of-use licenses extended to private sector CRADA partners of technologies, developed within joint research projects, shall be defined by a good-faith negotiation between the respective parties;

Ensured that any exercise of march-in rights by a Government entity shall be done only in exceptional circumstances, and would be subject to administrative appeal and judicial review;

Ensured that transfers of excess laboratory equipment to educational and charitable institutions shall be done subject to Federal property disposal accountability requirements; and

Tightened the focus of our language, codifying OMB Circular A-119, regarding the adoption of voluntary, consensus standards and conformity assessment activities to ensure that agencies are clear that such efforts are to be conducted with due regard for the requirement of law and within the parameters of agency missions, responsibilities, and budgets as defined by Congress.

Mr. Speaker, this legislation is strongly supported by the administration, our friends in the Federal laboratory system, and the agencies that have responsibility for administering those laboratories. I urge my colleagues to support H.R. 2196, as amended, today so we can send it to the President and give the important new provisions in the bill the full force of law.

Mr. Speaker, before I reserve the balance of my time, I include for the RECORD the following summary and outline of H.R. 2196 and the Senate amendment, which were drafted by the committee staff.

H.R. 2196, THE NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

OBJECTIVES:

Encourages utilization of our federal laboratories to enhance our nation's industrial competitiveness in the global marketplace by promoting partnership ventures with federal laboratories and private-sector industry.

Advances prompt commercialization of inventions created in such a collaborative agreement, by guaranteeing the industry partner sufficient intellectual property rights to the invention.

Provides important incentives and rewards to federal laboratory personnel who create new inventions.

Provides several clarifying and strengthening amendments to current technology transfer laws.

Also makes changes affecting the Fastner Quality Act, the federal use of standards, and the management and administration of scientific research and standards measurement at the NIST.

LEGISLATIVE HISTORY:

Passed the Technology Subcommittee on October 18, 1995

Passed the Science Committee on October 25, 1995

Committee Report filed on December 7, 1995 (H. Rpt. 104-390)

Passed the House of Representatives on December 12, 1995

Passed the Senate with an amendment on February 7, 1996

Considered for enactment into law by the House on February 27, 1996

SUMMARY OUTLINE OF MAJOR PROVISIONS OF H.R. 2196 (H. REPT. 104-880)

Statutory authority:

Amends the Stevenson-Wydler Technology Innovation Act of 1980 (P.L. 96-480) and the Federal Technology Transfer Act of 1986 (P.L. 99-502), among other provisions, by creating incentives and eliminating impediments to encourage technology commercialization, and for other purposes

Impacts upon technology transfer policies in both a government-owned, government-operated (GOGO) laboratory and a government-owned, contractor-operated (GOCO) laboratory

Effect upon technology transfer in a CRADA:

Provides assurances to United States companies that it will be granted sufficient intellectual property rights to justify prompt commercialization of inventions arising from a cooperative research and development agreement (CRADA) with a federal laboratory

Provides important incentives and rewards to federal laboratory personnel who create new inventions

Effect upon CRADA private sector partner under the act

Guarantees right to option, at minimum, of exclusive license in a pre-negotiated field of use for inventions resulting from a CRADA

Assures that privileged and confidential information will be protected when CRADA invention is used by the government

Assures private sector partner the right to possess its own inventions developed in a CRADA

Effect upon Federal Government under the Act

Provides right to use invention for legitimate government needs

Clarifies contributions laboratories can make in a CRADA and continues current prohibition of direct federal funds to a private sector partner in a CRADA

Clarifies that agencies may use royalty revenue to hire temporary personnel to assist in the CRADA or in related projects

Permits agencies to use royalty revenue for related research in the laboratory, and for related administrative and legal costs

Allows federal government to require licensing to others only in exceptional circumstances for compelling public health, safety, or regulatory needs while providing administrative appeal and judicial review in such rare circumstances

Returns all unused royalty revenue to the Treasury after the completion of the second fiscal year

Clarifies authority of laboratories, agencies, or departments to donate excess scientific equipment by gift, loan, or lease to public and private schools and nonprofit institutions

Effect upon Federal scientist/inventory under the act

Provides the inventor with the first $2,000, and thereafter, at least 15% of the royalties, in each year, accrued for inventions made by the inventor

Increases individual maximum royalty award to $150,000 per year

Allows rewards for other lab personnel who substantially assist in the invention

Restates current law permitting a federal employee to work on the commercialization of his or her invention

Clarifies that a federal inventor can obtain or retain title to his or her invention in the event the government chooses not to pursue it

Administrative and management provisions affecting the National Institute of Standards and Technology (NIST)

Provides authority for a shuttle bus service between the NIST Gaithersburg, Maryland campus and the Shady Grove Metro subway station for employees to use in their commute to work

Expands the NIST Visiting Committee to 15 members, with the requirement that 10 members shall be from United States industry

Increases the cap on postdoctoral fellowships to 60 positions from 40 positions

Makes permanent the NIST Personnel Demonstration Project

Fastener quality act amendments

Amends the Fastener Quality Act (P.L. 101–592), as recommended by the Fastener Advisory Committee, focusing on heat mill certification, mixing of like-certified fasteners, and sale of fasteners with minor nonconformances

Federal use of standards

Restates and clarifies existing authority for the National Institute of Standards and Technology (NIST) to coordinate standards and conformity assessment activities in all levels of government

Codifies Office of Management and Budget (OMB) Circular A–119, requiring federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs

SECTION-BY-SECTION ANALYSIS OF H.R. 2196

Section 1. Short title

The Act may be cited as the "National Technology Transfer and Advancement Act of 1995."

Section 2. Findings

Bringing technology and industrial innovation to the marketplace is central to the economic, environmental, and social well-being of the country. The federal government can help United States businesses speed the development of new products and processes by entering into a Cooperative Research and Development Agreement (CRADA) with private sector businesses. A CRADA arrangement makes available the assistance of federal laboratories to the private sector. However, the successful commercialization of technology and industrial innovation is predominantly dependent on actions taken by the private sector. This commercialization will be enhanced if companies, in return for reasonable compensation to the federal government, can more easily obtain exclusive licenses to inventions which develop as a result of this cooperative research with federal laboratory scientists.

Section 3. Use of Federal technology

Amends the Stevenson-Wydler Technology innovation Act of 1980 (P.L. 96–480) to continue participation in the Federal Laboratory Consortium for Technology Transfer by all federal agencies with major federal laboratories.

Section 4. Title to intellectual property arising from cooperative research and development agreements

Guarantees an industrial partner to a joint Cooperative Research and Development Agreement (CRADA) the option to choose, at minimum, an exclusive license for a pre-negotiated field of use to the resulting invention. Reiterates government's right to use the invention for its legitimate needs, but requires the obligation to protect from public disclosure any information classified as privileged or confidential under Exemption 4 of the Freedom of Information Act (FOIA).

In exceptional circumstances, provides that when the laboratory assigns ownership or an exclusive license to the industry partner, licensing to others may be required if needed to satisfy compelling public health, safety or regulatory concerns. In such rare circumstances, the industry partner would have administrative appeal and judicial review, similar to the Bayh-Dole Act. (P.L. 96–517) Also, clarifies current law defining the contributions laboratories can make in the CRADA. Permits agencies to use royalties in hiring temporary personnel to assist in the CRADA or related projects. Enumerates how a government-owned, government-operated (GOGO) laboratory and a government-owned, contractor-operated (GOCO) laboratory may use resulting royalties.

Section 5. Distribution of income from intellectual property received by Federal laboratories

Requires that agencies must pay federal inventors each year the first $2,000 and thereafter at least 15% of the royalties received by the agency for the inventions made by the employee. Increases an inventor's maximum royalty award to $150,000 per year. Allows for rewarding other laboratory personnel involved in the project, permits agencies to pay for related administrative and legal costs, and provides a significant new incentive by allowing the laboratory to use royalties for related research in the laboratory. Provides for federal laboratories to return all unobligated and unexpended royalty revenue to the Treasury after the end of the second fiscal year after the year which the royalties were earned.

Section 6. Employee activities

Clarifies the original congressional intent that rights to inventions should be offered to employees when the agency is not pursuing them. Permits a federal scientists, or a former laboratory employee, in the event that the federal government chooses not to pursue the right of ownership to his or her invention or otherwise promote its commercialization, to obtain or retain title to the invention for the purposes of commercialization.

Section 7. Amendment to Bayh-Dole Act

Reflects technical changes made by this Act as it affects the Bayh-Dole Act. (P.L. 96–517)

Section 8. National Institute of Standards and Technology Act amendments

Provides authority for the National Institute of Standards and Technology (NIST) to have a shuttle bus service between its Gaithersburg, Maryland campus and the Shady Grove Metro subway station for employees to use in their commute to work. Expands the NIST Visiting Committee from 9 members to 15, with the requirement that 10 members, increased from 5, shall be from United States industry. Increases the cap on postdoctoral fellowship from a maximum of 40 to 60 positions per fiscal year.

Section 9. Research equipment

Clarifies that a laboratory, agency, or department can donate, loan, or lease excess scientific equipment to public and private schools and nonprofit institutions.

Section 10. Personnel

Makes permanent the National Institute of Standards and Technology (NIST) Personnel Demonstration Project. The project has helped NIST recruit and retain the "best and brightest" scientists to meet its scientific research and measurement standards mission.

Section 11. Fastner Quality Act amendments

Amends the Fastner Quality Act (P.L. 101–592), as recommended by the Fastner Advisory Committee, focusing on heat mill certification, mixing of like-certified fastners, and sale of fastners with minor non-conformance. The Fastner Advisory Committee reported that, without these recommended changes, the cumulative burden of compliance costs would be close to $1 billion on the fastner industry.

Section 12. Standards conformity

Restates existing authorities for National Institute of Standards and Technology (NIST) activities in standards and conformity assessment. Requires NIST to coordinate among federal agencies, survey existing state and federal practices, and report back to Congress on recommendations for improvements in these activities. Codifies OMB Circular A–119 requiring federal agencies to adopt and use standards developed by voluntary consensus standards bodies and to work closely with those organizations to ensure that the developed standards are consistent with agency needs.

Section 13. Sense of Congress

Provides that it is the sense of Congress that the Malcolm Baldrige National Quality Awards program offers substantial benefits to United States industry, and that all funds appropriated for the program should be spent in support of its goals.

THE NATIONAL TECHNOLOGY TRANSFER AND ADVANCEMENT ACT OF 1995

SUMMARY OF SENATE AMENDMENT TO H.R. 2196

On February 7, 1996, the Senate, by unanimous consent, agreed to an amendment to H.R. 2196 offered by Senator Dole of Kansas, on behalf of Senator Rockefeller of West Virginia and Senator Burns of Montana. The House had passed H.R. 2196 on December 12, 1995.

The Senate-passed amendment was negotiated in conjunction with the House sponsors of H.R. 2196 and had been agreed to by all parties before its Senate consideration. The amendment clarifies the existing bill language and meets with the original intent of H.R. 2196, as passed by the House.

The Senate amendment to H.R. 2196 contains the following seven provisions:

1. Section 4. Clarifies that the field of use for which a collaborating party may receive an exclusive license is a pre-negotiated field of use. While the House report language was clear that the field of use should be pre-negotiated, this clarification was inserted into the bill language.

2. Section 4. Clarifies that the Government "march-in" rights which may require the holder of an exclusive technology to share that technology with others will only be exercised "in exceptional circumstances." Once again, this clarification met with the intent of the House report language.

3. Section 4. Regarding the above-mentioned "exceptional circumstances" when Government requires the holder of an exclusive technology to share that technology with others, inserts identical language regarding administrative appeal and judicial review language from the Bayh-Dole Act [35 Sec. 203(2)]—another federal patent law. This language would ensure that in the very remote eventuality of such a Government action, the private-sector collaborating party to a Cooperative Research and Development Agreement (CRADA) will be ensured the right of due process and appeal. This provision of H.R. 2196 would mirror the Bayh-Dole Act (P.L. 96-517).

4. Section 9. partially deletes provisions expressly waiving all federal disposal laws regarding the donation, loan, or lease of excess laboratory equipment.

5. Section 12. Clarifies the role of the National Institute of Standards and Technology (NIST) in coordinating government standards activities and corrects a small, minor drafting error. Restates the original intent that NIST is to coordinate with private sector standards activities to require government to sue industry-led standards, not federally-created standards.

6. Section 12. Changes the date on which a NIST report is required from January 1, 1996 to "within 90 days of the date of enactment" of H.R. 2196.

7. Section 12. Restates original language in the bill clarifying OMB Circular A-119, which directs federal agencies to use, to the extent practicable, technical standards that are developed or adopted by voluntary, private-sector, industry-led standards organizations. The language was reworked to meet the Senators' concern and yet remain faithful to both the original intent of the bill and OMB Circular A-119 to move the federal government to purchase commercial products in order to reduce costs.

Mr. Speaker, I reserve the balance of my time.

Mr. TANNER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 2196, the National Technology Transfer and Advancement Act of 1995.

I want to thank Mrs. MORELLA for bringing this bill to the floor and say that it has been a pleasure working with her on this legislation.

H.R. 2196 is the first significant update of Federal technology transfer laws in almost 7 years. H.R. 2196 builds on the experience of the Federal labs in developing partnerships with industry and is an important step in strengthening private-public partnerships for technology development.

At a time when the pressures of the market and Wall Street are causing American companies to focus on short-term profits, government-industry partnerships allow them the chance to develop the high-risk, long-term technologies that are vital for our future economic well-being.

We have reviewed the seven amendments the Senate made to the original text and they are perfectly acceptable. Some of the amendments were added for Senate jurisdictional reasons and others were requested by the executive branch.

A number of Members from both parties spoke in favor of H.R. 2196 when it passed the House in early December—no one spoke in opposition to this legislation. Therefore, I will not review in detail the merits and provisions of this bill again today.

Since the amendments to this bill are minor, and the bill as amended makes important strides forward for technology transfer at the Federal laboratories, in standards policy and for the National Institute of Standards and Technology, I urge adoption of this bill.

Mr. Speaker, I reserve the balance of my time.

Mrs. MORELLA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I simply wanted to commend the ranking member of our subcommittee, the gentleman from Tennessee [Mr. TANNER], for the work he has done and the support he has given to this bill, and all of the others who are the sponsors of the bill and strongly support it. It is an important measure. It has been long in coming.

Mr. Speaker, I want to particularly thank the staff on both sides of the aisle. I want to particularly thank Ben Wu of my staff, who has worked very diligently through the years on this bill, and Mike Quear on the minority side, who has worked on it. In addition, I would thank Jim Turner and Dough Comer.

GENERAL LEAVE

Mrs. MORELLA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 2196.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Maryland?

There was no objection.

Mr. TANNER. Mr. Speaker, I yield 3 minutes to the distinguished gentlewoman from Texas [Ms. JACKSON-LEE].

(Ms. JACKSON-LEE of Texas asked and was given permission to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank very much my distinguished colleague, the gentleman from Tennessee [Mr. TANNER], a member of the Committee on Science, and to acknowledge the work of the gentlewoman from Maryland [Mrs. MORELLA]. She has always had a longstanding interest in this area, along with the gentleman from Pennsylvania [Mr. WALKER], our chairman, and the gentleman from California [Mr. BROWN], our ranking member.

I rise to support H.R. 2196. It has some very vital points. I have always said as we debated the funding for NASA, the space station, and as we debated funding of many of the science projects, particularly the Department of Commerce's advanced technology program, that technology and science is in fact the work creator of the 21st century. I think with H.R. 2196, the gentlewoman from Maryland [Mrs. MORELLA] has parted the waters of confusion around technology. What we have created is an even hand between Government and commercial entities with respect to the rights to intellectual property.

One of the features I find very attractive is the awarding to Federal inventors $2,000 in royalties, and of course if there is more, 15 percent above that. What an incentive to applaud and encourage the scientists that we have, the talented scientists that we have in our labs around this Nation. Might I add as well one of the major points of creating more opportunities is to educate those who are interested in the higher sciences, if you will. I applaud the bill proponent for increasing the number of doctoral fellowships within the National Institutes of Standards and Technology to help educate the scientists, engineers and inventors of tommorow. Mr. Speaker, I also realize many times in our hearings the gentlewoman from Maryland [Mrs. MORELLA] has expressed her interest and concern about girls and women in the sciences. I think that this is a very excellent opportunity to open the doors even more to those populations as we proceed towards the 21st century.

Might I yield to the gentlewoman from Maryland to have her respond, that in fact as we make this more palatable for our scientists, that we also open the doors of opportunity for women and minorities as well in the sciences.

Mrs. MORELLA. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentlewoman from Maryland.

Mrs. MORELLA. Mr. Speaker, there is no doubt we do. We know as we approach the new millennium two-thirds of the new work force will be women and minorities. These are resources we must utilize, and in fact this technology transfer bill will help to move us in that direction.

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I believe in a paraphrase of the 23rd Psalm. My rod and my staff, they comfort me; prepare the papers before me in the presence of my constituents. And I wanted to make sure that I also gave credit to staff who helped, Doug Comer on this side as well as Jim Turner on the other side of the aisle.

I thank the gentlewoman for opportunity of allowing me to make that commendation.

Ms. JACKSON-LEE of Texas. I will conclude by remarks, Mr. Speaker, by saying I rise to support this legislation which will create the work of the 21st century and be a bipartisan effort to enhance technology and science in this Nation.

In this era of strident partisan politics, I am pleased to see efforts such as H.R. 2169, the National Technology Transfer and Advancement Act before the House today. I congratulate Representative MORELLA for crafting legislation which recognizes the importance of cooperation between the Federal and private sectors in developing new commercial technologies, products, and processes. Our national laboratories are world leaders and it is only common sense to harness their great abilities in pursuit of assisting and advancing the U.S. industry in the fiercely competitive global economy.

Under this bill, everyone wins: the private sector gets the rights to cutting-edge technology, the Federal Government receives royalty payments which may be used to fuel the fires of innovation and finally, the inventors and project scientists receive royalty compensation for their hard work.

In addition to these things, this bill provides for increasing the number of postdoctoral fellowships within the National Institute of Standards and Technology to help educate the scientists, engineers, and inventors of tomorrow. Adding these fellowships will cost the Government money, but I believe that money is the wisest investment we can make to help ensure the ability of our Nation to compete and prosper in the years to come.

I have voted in favor of this bill in committee and on this floor and as a supporter of everything this bill represents, I intend to do it yet again.

Mr. BROWN of California. Mr. Speaker, I rise in support of the Senate version of H.R. 2196 and urge its acceptance by the House of Representatives.

The Senate made seven amendments to the House-passed text of H.R. 2196. Some are minor and were added for Senate jurisdictional reasons. Others were requested by the executive branch to make implementation of this statute easier for the agencies involved. While there may be grounds of minor quibbles with what the Senate has done, we should accept its offer since it is not often that they offer us 99 percent of the loaf.

Three of the Senate amendments are to section 4 of H.R. 2196 which updates intellectual property rights under cooperative research and development agreements. Section 4 provides collaborating parties with the option to an exclusive license for a field of use for any such invention made pursuant to a CRADA and retains in the government a very limited right to compel licensing of these inventions for health and safety and other emergency reasons. The first Senate amendment makes it clear that a laboratory and its collaborating parties are to agree upon the scope of the field of use for inventions at the time they enter the CRADA agreement. Since the House legislative history was already clear on this matter, this amendment is simply clarifying in nature. The second and third amendments make it clear that the Government may compel a license to an invention made under a CRADA only in exceptional circumstances and that such a decision will be subject to the Bayh-Dole Act's administrative and judicial review provisions. These changes are also largely clarifying in nature and modify a statutory authority which has never been used.

The fourth amendment changes the provision in section 9 of H.R. 2196 which was designed to clarify the current Stevenson-Wydler Act section which permits Federal laboratories to transfer surplus equipment to educational institutions. There have been varying interpretations among the Federal agencies as to whether that section permits the loan of equipment by laboratories to schools and as to how the Stevenson-Wydler Act relates to the Federal property disposal law. I can say with certainty that this committee wrote the original provision as an alternative rather than as a supplement to Federal law for disposal of surplus laboratory equipment. We wrote the original provision after hearing from laboratories with equipment of no further use to them, who knew of schools that badly wanted the equipment. Yet because of the cumbersome nature of the Federal property disposal procedures, the equipment was gathering dust in the labs. The Stevenson-Wydler Act language was written as a simple, straightforward way to get this equipment back into the hands of those who could use it for the public good. Our amendment reinforced the original Stevenson-Wydler language by stating unambiguously that surplus Federal laboratory equipment can be lent, leased, or given to schools without going through Federal requirements on the disposal of property. The Senate Governmental Affairs Committee, which has Senate legislative jurisdiction over the General Services Administration, did not want a reference to Federal requirements on the disposal of property in a bill coming out of the Senate Commerce Committee. As a courtesy, the Senate Commerce Committee complied with their request to drop the reference. However, we wish to make clear that the dropping of this reference does not change the effect of this section. The Stevenson-Wydler Act scientific equipment transfer procedure remains a free-standing alternative to the Federal Property Act for this limited class of property. Under rules of statutory interpretation, the Stevenson-Wydler surplus property provision will continue to take precedence over the general Federal property disposal statute with reference to laboratory equipment both because it is the later enactment and because it is the more specific provision.

The fifth and sixth amendments are both technical and conforming amendments to section 12 dealing with standards conformity. In the fifth amendment, the Senate rewrites our language on coordination of standards to match exactly the House intent of bringing efficiency to conformity assessment by having government and industry coordinate their efforts. The sixth amendment is made necessary by delays in the enactment of this legislation. The House version of this section required submission of a report to the Congress by January 1, 1996, a date which has now passed. We, therefore, accept the Senate's decision to delay the reporting date until 90 days after the date of enactment of this act.

The final Senate amendment rewrites the paragraphs of this bill that sought to codify OMB Circular A–119, which requires Federal agencies to utilize voluntary consensus standards. While both the House and the Senate language share the same intent, the Senate language is more straightforward and unambiguous and therefore should be adopted. Currently, OMB Circular A–119 asks Federal agencies to utilize national consensus standards for procurement and regulatory purposes. This is because these standards are developed with great care and expertise in an open democratic manner which makes U.S. voluntary standards the envy of the world. It is much cheaper and more efficient for the Government to rely on the hard work and expertise of these committees rather than reinventing the world. These groups are better equipped than the Government to understand all points of view and to keep up with the state of the art in technical standards. This section in both the House and Senate versions does not transfer public sector decisionmaking or regulatory authority to the private sector. It merely tells the Government that in its regulatory, procurement, and other activities that rest on technical standards pertaining to products and processes, that the Government is expected, wherever it makes sense, not to duplicate private sector technical standards activities. Instead, Federal agencies are to participate in and use the good work of the voluntary, consensus standards community. In those limited instances when an agency has a good reason not to use a voluntary consensus technical standard, it has the right to do so, provided that its agency head transmits its reasoning to the Office of Management and Budget and that a summary of such explanations are submitted annually to the Congress. As I said when this bill originally passed the House, we expect OMB to make this process as painless as possible for the agencies and to set up procedures to implement this section in such a way that procurements and regulations are not delayed. While agencies are expected to keep good records of this reasons for not using the standards, such a decision is not to be subject to administrative or judicial review.

Therefore, since the changes we are being asked to make are small and in general positive, and since the bill as amended still makes important stride forward for NIST, for the Federal laboratories, and in standards policy, I urge my colleagues to lend their support to this important legislation.

Mr. RICHARDSON. Mr. Speaker, this bill will create more jobs, provide incentives for important scientific inventions, and make it easier to give or loan Federal equipment to our schools.

THis measure makes economic and political sense. That is precisely the reasons why I support this legislation today, just as I did when it came to the House floor in December.

H.R. 2196—the National Technology Transfer and Advancement Act of 1995—is an effective mechanism for stimulating greater commercialization of the research being done at the National Laboratories, such as the Los Alamos National Laboratory [LANL] located in my district.

H.R. 2196 extends the Federal charter and set-aside for the Federal Laboratory Consortium for Technology Transfer. This charter was created through the hard work of Dr. Eugene Stark of LANL. The set-aside has provided stable annual funding to the consortium which has permitted technology transfer officers of the various Laboratories to work together.

THe Federal Laboratory Consortium members are linked together electronically which enables them to help businesses find out which other Federal Laboratories have expertise in specific areas.

For example, if an agriculturally oriented business in New Mexico went to the technology transfer officers at LANL with a problem, Los Alamos would be able to find out if any of the laboratories in the Departments of Agriculture or Interior, for instance, have expertise that is useful to that company.

The bill also gives far better incentives to Federal inventors who are an imperative necessity to our national security. Currently, inventors receive only 15 percent of the royalty stream from their inventions, meaning that most inventions have produced less than $2,000 a year. By changing the calculations so that agencies pay inventors the first $2,000 of the royalties received by the agency for the inventions made by the employee as well as 15 percent of the royalties above that amount, the bill provides these employees with greater incentives and equitable compensation.

Finally, H.R. 2196 clarifies that a Federal laboratory, agency, or department may give, loan, or lease excess scientific equipment to public and private schools and non-profit organizations without regard to Federal property disposal laws, for example, General Services Administration [GSA].

Therefore, if LANL wanted to donate unused equipment to a New Mexico school, it would not have to go through the bureaucratic red tape that is now required. Some Labs would rather store their unwanted equipment rather than going through the hassle of GSA disposal.

Mr. Speaker, H.R. 2196 is a bill of importance to the Federal Laboratories. It advocates technology transfer, creates an incentive for Federal inventors, and makes it easier to donate equipment to needy schools. The Technology Transfer and Advancement Act of 1995 is good legislation.

Mr. WALKER. Mr. Speaker, I commend the gentlelady from Maryland for her leadership in bringing H.R. 2196, the National Technology Transfer and Advancement Act to the floor.

As Chair of the Science Committee, I am proud of the committee's rich tradition of promoting technology transfer from our Federal laboratories.

I especially wish to applaud the chairwoman for her bipartisan leadership on this bill and in her efforts to promote effective technology transfer from our Federal laboratories. H.R. 2196 represents the type of legislation which this new Congress must undertake.

I am also very pleased that H.R. 2196 includes amendments to the Fastener Quality Act. These amendments are very important to the fastener industry and the need to include these changes to the current act is clear. The Fastener Advisory Committee was formed to determine if the act would have a detrimental impact on business. The Fastener Advisory Committee reported that without their recommended changes the burden of cost would be close to $1 billion on the fastener industry.

The act addresses the concerns of the Fastener Advisory Committee regarding mill heat certification, mixing of like certified fasteners, and sale of minor nonconformances.

Working with this Congress and NIST, the Fastener Public Law Task Force, comprised of members from manufacturing, importing, and distributing, has worked to improve the law while maintaining safety and quality. The Public Law Task Force represents 85 percent of all companies involved in the manufacture, distribution, and importation of fasteners and their suppliers in the United States.

Combined, the task force represents over 100,000 employees in all 50 States. We have worked with both sides of the aisle, the administration, manufacturers, distributors, and importers to reach this solution and I support the changes to the Fastener Quality Act.

I urge my colleagues to support H.R. 2196.

Mr. DINGELL. Mr. Speaker, I understand that most provisions of H.R. 2196 have been discussed and negotiated in a bipartisan fashion by Members of both bodies. Far too little effort during this Congress has been expended toward meaningful bipartisan legislative action and, for that significant accomplishment, I applaud the sponsors of this measure.

However, I am compelled to state for the record, as I have in the past, my concerns about portions of this bill that amend the Fastener Quality Act. As noted most recently in my December 12, 1995 statement, some of the fastener amendments included in this legislation appear to be designed to appease foreign manufacturers of fasteners (and some distributors who sell such foreign fasteners) rather than to protect the safety of American industry and consumers.

No hearings have been held on the need for some of the fastener provisions in this bill nor has any credible justification been advanced for their inclusion in this legislation. For example, the only reason cited for amending the Fastener Quality Act's traceability provisions (which Chairman WALKER favorably cited in his statement supporting the original legislation) is the supposedly excessive cost that would be imposed on businesses. A few distributors and foreign manufacturers—that is, those who profit from making and selling counterfeit and substandard fasteners—have produced wildly exaggerated figures to back up their claim that the original act's limited commingling prohibition will be the death knell for the fastener industry.

While foreign manufacturers and some fastener distributors have spent millions of dollars lobbying for these and other legislative changes to the Fastener Quality Act, other American companies simply rolled up their sleeves and went to work to ensure that adequate traceability procedures exist, including compliance with the original act's commingling provisions. These companies have told us something completely different than what the foreign manufacturers and their distributor chums have said. They tell us that the limited commingling requirements are necessary to provide better traceability of fasteners. And they also tell us the costs of putting these requirements into practice are minimal. Obviously, someone is wrong.

There is much huffing and puffing these days about the need to promote quality in all aspects of American business and government. Yet, some of the fastener amendments in this bill do just the opposite. It is a fact that the best American manufacturing and distribution companies have for many years maintained sophisticated lot control and traceability procedures for a wide array of products, including pharmaceuticals, hardware, food, and soft drinks. Yet, due to heavy lobbying by foreign fastener manufacturers and their sellers, amendments in this bill weaken quality standards and make it easier for counterfeit and substandard fasteners to make their way into American commerce and into American products.

During the multiyear investigation by the Subcommittee on Oversight and Investigations on fasteners, it was demonstrated that the most serious problems with counterfeit and substandard fasteners originated beyond our borders. The motive for making and selling such fasteners is obvious—to cut production costs and increase profits. In weakening the law today, we help makers and sellers of bad fasteners and, in the process, hurt those companies that produce quality products.

At least, enactment of these amendments should lead to promulgation of the long overdue implementing regulations by the National Institute on Standards and Technology. Despite its failure to do so during this Congress and in prior years, I would hope that NIST keep us fully apprised of its efforts to implement and enforce the Fastener Quality Act and that it act aggressively to finalize all implementing regulations as quickly as possible.

Mr. TANNER. Mr. Speaker, I have no further requests for time. I would like to thank our staff folks who have helped put this together and thank the gentlewoman from Maryland again.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. DUNCAN). The question is on the motion offered by the gentlewoman from Maryland [Mrs. MORELLA] that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2196.

The question was taken.

Mrs. MORELLA. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 5 of rule I and the Chair's prior announcement, further proceedings on this motion will be postponed.

The point of no quorum is considered withdrawn.

1995

American National Standards Institute

Procedures for the Development and Coordination of American National Standards

Approved by the ANSI Board of Directors,
March 22, 1995

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Foreword

The voluntary standards system in the United States consists of a large number of standards developers that write and maintain one or more national standards. Among them are professional societies, trade associations, and other organizations. Thousands of individuals, companies, other organizations (e.g., labor, consumer, and industrial), and government agencies voluntarily contribute their knowledge, talent, and effort to standards development.

Many standards developers and participants support the American National Standards Institute (ANSI) as the central body responsible for the identification of a single, consistent set of voluntary standards called American National Standards. ANSI approval of these standards is intended to verify that the principles of openness and due process have been followed in the approval procedure and that a consensus of those directly and materially affected by the standards has been achieved. ANSI coordination is intended to assist the voluntary system to ensure that national standards needs are identified and met with a set of standards that are without conflict or unnecessary duplication in their requirements.

ANSI is the U.S. member of nontreaty international standards organizations such as the International Organization for

Standardization (ISO), the International Electrotechnical Commission (IEC) through the United States National Committee, the Pacific Area Standards Congress (PASC), and the Pan American Standards Commission (COPANT). As such, ANSI coordinates the activities involved in U.S. participation in these groups.

The National Policy on Standards for the United States and ANSI's plan for its implementation, as well as experience gained from the application of the previous edition of the ANSI Procedures for Management and Coordination of American National Standards (December 5, 1974, Revised March 31, 1977), contributed to the development of these procedures that provide criteria, requirements, and guidelines for coordinating and developing consensus for American National Standards.

The Procedures for the Development and Coordination of American National Standards were approved by the Board of Directors of the American National Standards Institute on March 26, 1982. A subsequent revision of the provisions on interpretations of American National Standards was approved by the Board of Directors on March 30, 1983. A further revision was approved by the Board of Directors on September 9, 1987, and provided updated references, refinement of the canvass procedures, and the addition of new information pertaining to Standards Planning Panels, Standards Advisors, draft standards for trial use, substantive changes, and commercial terms and conditions.

The revision approved by the Board of Directors on September 9, 1993 added four new Annexes, "Policy on Reaffirmation of American National Standards", "The Three Methods of Consensus", "Procedures for the Synchronization of the National and International Standards Review and Approval Processes" and the "Metric Policy." It also incorporated a number of clarifications.

This revision was initiated as a result of the review by the Blue Ribbon Panel of the American National Standards Board of Directors. This review identified a number of areas, particularly with respect to the criteria for approval and the appeals process, where revisions would more accurately and more appropriately reflect the role of the Institute. The ability to grant authority to qualified accredited standards developers to apply the American National Standard designation without Board of Standards Review approval was also proposed by the Blue Ribbon Panel. These revisions were subject to public review, review by the Executive Standards Council and the Board of Standards Review and were approved by the Board of Directors on March 22, 1995. The availability of the ability to apply the ANS designation without BSR review is not intended to replace the current three methods of accreditation. In addition, standards developers who have been granted this ability may still submit standards for approval by the BSR.